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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/446,390	12/21/99	SCHULLER	10191/1234

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MNC2/1114

EXAMINER

LE, D

ART UNIT

PAPER NUMBER

2834

DATE MAILED:

11/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/446,390

Applicant(s)
Schuler et al.

Examiner
Dang Dinh Le

Group Art Unit
2834



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 6-10 is/are pending in the application.

Of the above, claim(s) 7-9 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 6 and 10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group 1, claims 6 and 10 in Paper No. 6 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 12/21/99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

There is no copy of foreign patent 1,591,349, 6/17/81, Great Britain.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Page 6, line 12, replace "faces 19, 20" with -- faces 29, 30 --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver et al.

Regarding claim 6, Oliver et al. show an electric machine comprising:

- * a commutator (Figure 1);

- * at least one brush (11);

- * a supply of oil lubricant (14) for providing lubrication between the commutator and the at least one brush;

- * wherein the at least one brush contains the lubricant at least one of: (a) in or on a collector-side end face of the at least one brush, and (b) in or on a partial length of the at least one brush beginning at the collector-side end face of the at least one brush.

Regarding claim 10, it is noted that Oliver et al. also show a brush for an electric machine equipped with a collector comprising:

- * an end surface (15); and

- * a supply of lubricant (14) in an area of the end face allocated to the collector.

Information on How to Contact USPTO

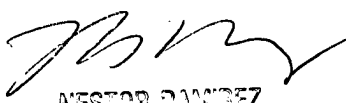
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang Dinh Le whose telephone number is (703) 305-0156.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. The fax number for this group is (703) 305-3431 and 305-3432.


NESTOR RAMIREZ
SUPERVISOR, GROUP EXAMINER
OCTOBER 2000

DDL

November 10, 2000

